UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,740	08/18/2008	Clifford Neal Prescott	100325.0251US1	3007

24392 7590 12/28/2010

FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

EXAMINER	
KEE, FANNIE C	

ART UNIT	PAPER NUMBER
3679	

NOTIFICATION DATE	DELIVERY MODE
12/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rfish@fishiplaw.com
patents@fishiplaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/593,740	PRESCOTT ET AL.	
	Examiner	Art Unit	
	Fannie Kee	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *15-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 June 2008* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I drawn to claims 1-14 in the reply filed on 10/1/10 is acknowledged.

2. Claims 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/1/10.

Drawings

3. The drawings are objected to because the drawings are dark and the elements are indistinguishable and undefined.

4. The drawings are objected to because the drawings are missing cross-hatching from the sectional views. See MPEP 608.02 for cross-hatching patterns.

5. The drawings are objected to because in Figure 1D, there is extraneous written matter. The extraneous written matter should be designated by reference element numbers on the drawings whereas the description of those elements should be in the specification.

6. The drawings are objected to because Figures 1a-3 should be drawings and not photographs.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inner and outer portions being coupled together in the field joint must be shown or the feature canceled from claim 9. No new matter should be entered.

8. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a sleeve being disposed in a space between the two ring-shaped elements must be shown or the feature canceled from claim 10. No new matter should be entered.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "120A" has been used to designate both an outer pipe section (page 6, line 9) and a field joint (page 6, line 10).

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1C – drawing element "130".

11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

12. The abstract of the disclosure is objected to because optional language should be removed from the abstract, i.e., "Most preferably" in line 2, "Where desirable" in line 3, and "may maintain" in line 4. The abstract should present only the technical disclosure of the invention of the instant application.

Correction is required. See MPEP § 608.01(b).

13. The disclosure is objected to because of the following informalities:

a. All bolding and underline should be removed from the specification. The specification should not contain any formatting.

b. The following reference character is shown in the drawings but not mentioned in the description: Figure 1C – drawing element "130".

c. Page 6, line 9 and page 6, line 10 - reference character "120A" has been used to designate both an outer pipe section (page 6, line 9) and a field joint (page 6, line 10).

d. Page 6, line 12 – replace "an outer portion" with --outer portions--.

Correction is required.

Claim Objections

14. Claim 1 is objected to because of the following informalities: add the word --a-- before the words "second outer transition".

Correction is required.

15. Claim 1 is also objected to because of the following informalities: add the word --a-- before the words "second jacket".

Correction is required.

16. Claim 6 is objected to because of the following informalities: replace the word "element" with --elements--.

Correction is required.

17. Claim 9 is objected to because of the following informalities: Claim 9 needs to be re-written according to 37 CFR 1.75(i) - where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

Correction is required.

18. Claim 9 is also objected to because of the following informalities: delete the word "a" before the words "second sections".

Correction is required.

Claim Rejections - 35 USC § 112

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "wherein the inner transition element forms a conduit that transfers cryogenic product from a first cryogenic pipeline to a second cryogenic pipeline". Is Applicant claiming the first and second cryogenic pipelines or is Applicant just claiming that the inner transition element forms a conduit that transfer product? As it is not clear what Applicant is claiming, Examiner will interpret this claim as best understood.

Claim 7 recites the limitation "the inner transition elements" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites "A field joint for a cryogenic pipe-in-pipe pipeline, in which an inner portion of the field joint fluidly couples a first and a second section of a product conduit of the pipeline, in which an outer portion couples a first and a second section of a jacket of the pipeline, and in which inner and outer portions are coupled together". Are the inner and outer portions being coupled together the same inner and outer portions recited previously in the claim? Also, if these are the same elements, how are the inner and outer portions coupled together if each portion couples first and second sections which are separate from the other first and second sections? As it is not clear what Applicant is claiming, Examiner will interpret this claim as best understood.

Claim 14 recites "wherein the inner and outer portions are contiguous". How can the inner and outer portions be contiguous if the inner and outer portions each fluidly couple first and second sections that do not connect? As it is not clear what Applicant is claiming, Examiner will interpret this claim as best understood.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by McKay et al U.S. Patent No. 3,865,145.

As best understood by Examiner, with regard to claim 1, and as seen in Figure 7, McKay et al disclose a cryogenic pipeline comprising:

a bulkhead having an inner transition element (58), and a first and second outer transition element (60, 60) coupled to and at least partially surrounding the inner transition element;

wherein the inner transition element forms a conduit that transfers cryogenic product from a first cryogenic pipeline (12) to a second cryogenic pipeline (12); and

wherein the first and second outer transition elements couple a first (14) and second (14) jacket pipeline to the first and second cryogenic pipelines, respectively, such that thermal stress load in the first and second cryogenic pipelines is transferred to the first and second jacket pipelines, respectively.

As best understood by Examiner, with regard to claim 2, and as seen in Figure 7, McKay et al disclose the inner transition element (58) having a pipe configuration with an inner diameter that is substantially identical to an inner diameter of the first and second cryogenic pipelines.

As best understood by Examiner, with regard to claim 3, and as seen in Figure 7, McKay et al disclose at least one of the outer transition elements having an outer diameter that is substantially identical to an outer diameter of the first and second jacket pipelines.

As best understood by Examiner, with regard to claim 4, and as seen in Figure 7, McKay et al disclose a sleeve (66) disposed in a space between the first and second outer transition elements.

As best understood by Examiner, with regard to claim 5, and as seen in Figure 7, McKay et al disclose at least one of the inner transition element and the first and second cryogenic pipelines being at least partially enclosed by an insulating material (50).

As best understood by Examiner, with regard to claim 6, and as seen in Figure 7, McKay et al disclose an external insulation (50) that covers the first and second outer transition element.

As best understood by Examiner, with regard to claim 7, and as seen in Figure 7, McKay et al disclose the inner transition elements and the outer transition elements being contiguous.

As best understood by Examiner, with regard to claim 9, and as seen in Figure 7, McKay et al disclose a field joint for a cryogenic pipe-in-pipe pipeline, in which an inner portion (58) of the field joint fluidly couples a first (12) and a second (12) section of a product conduit of the pipeline, in which an outer portion (60) couples a first (14) and a second (14) section of a jacket of the pipeline, and in which inner and outer portions are coupled together such that a thermal stress load from the first and a second sections of the product conduit is transferred to the first and second sections of the jacket in the pipeline, respectively.

As best understood by Examiner, with regard to claim 10, and as seen in Figure 7, McKay et al disclose the outer portion being separated into two ring-shaped elements (60, 60) that are coupled to the inner portion via an angled connector.

As best understood by Examiner, with regard to claim 11, and as seen in Figure 7, McKay et al disclose a sleeve (66) being disposed in a space between the two ring-shaped elements.

As best understood by Examiner, with regard to claim 12, and as seen in Figure 7, McKay et al disclose insulating material (50) coupled to at least one of the product conduit and the inner portion.

As best understood by Examiner, with regard to claim 13, and as seen in Figure 7, McKay et al disclose insulating material (50) that covers the outer portion to form an external insulation.

As best understood by Examiner, with regard to claim 14, and as seen in Figure 7, McKay et al disclose the inner and outer portions being contiguous.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al.

With regard to claim 8, McKay et al disclose the claimed invention but do not disclose that a weight coating coupled to at least one of the first and second jacket pipelines. Weight coatings are applied to pipelines to provide negative buoyancy and mechanical protection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied a weight coating to at least one of the first and second jacket pipelines because weight coatings are applied to pipelines to provide negative buoyancy and mechanical protection.

Conclusion

25. Trucano, Jones, Waldron et al, Boosey et al, Bleyle, Jr. et al, Cook, Stalder, Stephenson et al, Argy, Stephenson, Segreto are being cited to show other examples of cryogenic pipelines with an inner transition element and first and second outer transition elements.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AARON DUNWOODY/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679
December 14, 2010